

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Space Norway AS)	File No. SAT-PDR-20161115-00111
)	
Petition for Declaratory Ruling Granting)	
Access to the U.S. for the Arctic Satellite)	
Broadband Mission)	
)	

PETITION TO DENY

In the above-captioned “Petition,” Space Norway AS (“Space Norway”) seeks authority to serve the U.S. market using a planned non-geostationary satellite orbit (“NGSO”) satellite system.¹ Telesat Canada (“Telesat”) files this Petition to Deny for the reasons set out below.

The frequencies proposed by Space Norway for its operations overlap with the following frequency bands Innovation, Science and Economic Development Canada (“ISED”) has authorized Telesat to use for its NGSO network: 18.2-18.6 GHz, 18.8-19.2 GHz, and 19.7-20.2 GHz (space-to-Earth) and 28.0-29.0 GHz and 29.5-30.0 GHz (Earth-to-space).²

¹ See *Public Notice, Petitions Accepted For Filing, Cut-Off Established for Additional NGSO-Like Satellite Petitions or Petitions For Operations in the 12.75-13.25 GHz, 13.85-14.0 GHz, 18.6-18.8 GHz, 19.3-20.2 GHz, and 29.1-29.5 GHz Bands*, DA 17-524, File No. SAT-LOI-20161115-00121 (May 26, 2017).

² Telesat Approvals in Principle, ISED file 3150-1 (557203 AT) dated June 26, 2015, and ISED file 3150-1 (565832 SS) dated June 26, 2015, for the 27.5 – 29.1, 29.5 – 30, 17.8 – 19.3, and 19.7 – 20.2 GHz bands.

Space Norway's NGSO system would interfere with Telesat's NGSO operations because the two systems would operate in overlapping geographical areas on overlapping Ka-band frequencies. Because Space Norway's NGSO system would interfere with Telesat's NGSO operations, Telesat hereby opposes Space Norway's Petition.³

Space Norway barely addresses in its Petition the interference to other NGSO systems that its operations would cause, stating only that it "will seek to reach coordination agreements with other NGSO system operators to allow for the greatest flexibility possible among the systems in the use of all authorized spectrum, consistent with the Commission's Rules."⁴ In a subsequent filing, however, Space Norway acknowledges that there would be a high probability of in-line interference events with low earth orbit NGSO systems, so much so as making "impossible for [Space Norway] to manage."⁵ There is no basis, moreover, either in ITU or Commission rules, for Space Norway's novel proposal that, *a priori*, NGSO systems be required to protect Highly

³Telesat is filing this Petition to Deny to preserve its rights. Telesat recognizes that the Commission is still developing rules to address constellations of NGSO-like satellites and has stated that applicants will be given an opportunity to amend their filings to conform to the new requirements. *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Notice of Proposed Rulemaking, 31 FCC Rcd 13651 (2016) ("NGSO NPRM"). Telesat also recognizes that if Space Norway's Petition is granted before the Commission's rulemaking is completed, the Petition likely will be conditioned on the outcome of the rulemaking, as was done with OneWeb's Petition. See *WorldVu Satellites Limited, Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System*, IBFS File No. SAT-LOI-20160428-00041 (rel. June 23, 2017) ("OneWeb Grant"), at ¶¶ 12 and 26. If the rules the Commission adopts or a future Space Norway amendment resolve Telesat's interference concerns, it will withdraw its objection.

⁴ Petition at 6 (footnote omitted).

⁵ Letter from Lafayette Greenfield, Counsel to Space Norway AS to Marlene H. Dortch, Secretary, Federal Communications Commission, IB Docket 16-408, Attachment page 9, June 1, 2017.

Elliptical Orbit (HEO) systems, such as the one proposed by Space Norway, and that HEO systems not be required to protect NGSO systems.⁶

Space Norway's Petition is equally silent on the subject of ITU priority. Space Norway offers no recognition that the Canadian ITU filings that are associated with Telesat's NGSO system have date priority over later ITU filings that may be associated with Space Norway's system.⁷ [EN please confirm]

In granting OneWeb's NGSO Petition, the Commission recognized that "[c]ompliance with ITU coordination procedures is a requirement of the ITU Radio Regulations, which hold the force of treaty to which the United States is a party," and that "[s]uch compliance is a typical condition of both U.S. space station licenses and grants of U.S. market access."⁸ Based on this requirement, and in response to concerns raised by Telesat, the Commission conditioned the grant of OneWeb's NGSO Petition on compliance with ITU requirements.⁹ The same considerations apply here, and so the same condition should apply to any grant of Space Norway's Petition.

In view of the potential for Space Norway's system to interfere with Telesat's NGSO operations, Space Norway's Petition should not be granted in its present form.

At a minimum, any grant should be conditioned on the outcome of the NGSO rulemaking, as the Commission did in granting OneWeb's NGSO Petition.¹⁰ Finally, in

⁶ *Id.* at Attachment pp. 11, 13.

⁷ See COMMSTELLATION network published as CR/C/3313 and CR/C/3313 MOD-2, and CANPOL-2 network published as CR/C/3474 MOD-1. Space Norway states that it will operate under NORSAT-H1, filed by the Norwegian Communications Authority. See Petition at 2.

⁸ *OneWeb Grant*, n. 35.

⁹ *OneWeb Grant*, ¶ 23(a).

¹⁰ *OneWeb Grant*, ¶¶ 12 and 26.

recognition of U.S. treaty obligations, any grant should be conditioned on compliance with ITU requirements.

Respectfully submitted,

TELESAT CANADA

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June 26, 2017

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2017, a copy of the foregoing
Petition to Deny was sent by electronic mail to the following:

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/s/ _____
Katia Carty